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Richard S. Wesorick  
Tarolli, Sundheim, Covell & Tummino, LLP  
1300 East Ninth Street, Suite 1700  
Cleveland, OH 44114

In re Application of :  
LANDRETH, et al. :  
U.S. Application No.: 10/565,683 : DECISION ON PETITION  
PCT No.: PCT/US03/23082 :  
Int. Filing Date: 24 July 2003 : UNDER 37 CFR 1.137(b)  
Priority Date: None :  
Attorney Docket No.: CWR-7812PCT/US :  
For: METHODS FOR TREATMENT OF :  
PARKINSON'S DISEASE :  
:

This decision is in response to the applicant's "Petition Under 37 C.F.R. § 1.137(b)" filed 10 June 2008 in the United States Patent and Trademark Office (UPSTO).

**BACKGROUND**

On 24 July 2003, applicant filed international application PCT/US03/23082. Pursuant to 37 CFR 1.495 the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 January 2006.

On 24 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee.

On 11 July 2006, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 11 January 2007, applicant filed a petition under 37 CFR 1.47 accompanied by a petition for a four-month extension of time and certification under 37 CFR 1.10 that the response was deposited for mailing on 11 January 2007. With the filing of the request for extension of time and payment of the appropriate extension of time fee payment, the response is considered timely filed.

On 08 June 2007, applicant was mailed a decision dismissing applicant's petition and affording applicant two months to file any request for reconsideration. Applicant was advised

that this period could be extended pursuant to 37 CFR 1.136(a).

On 27 August 2007, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO//909) indicating that the application was abandoned as to the United States for failure to respond to the Form PCT/DO/EO/905 mailed 11 July 2006.

On 10 June 2008, applicant filed the present petition to revive under 37 CFR 1.137(b).

### **DISCUSSION**

The present petition is dismissed as moot as applicant did provide a timely response to the Form PCT/DO/EO/905. As such, the Form PCT/DO/EO/909 mailed 27 August 2007 was sent in error and will be vacated. Applicant is advised that a response to the decision mailed 08 June 2007 has not been received in the USPTO and the application is again **ABANDONED**.

A petition under 37 CFR 1.137(b) to revive must include as the proper response a bonafide response to the decision mailed 08 June 2007. In the alternative, applicant may proceed pursuant to 37 CFR 1.181 to have the abandonment withdrawn if a timely response was filed or the decision was not received. (See Manual of Patent Examining Procedure section 711.03(c)).

### **CONCLUSION**

For the reasons stated above, applicant's petition under 37 CFR 1.137(b) is **DISMISSED as moot**.

The Form PCT/DO/EO/909 mailed 27 August 2007 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office for the preparation and mailing of a new Form PCT/DO/EO/909 indicating that the application is abandoned for failure to timely respond to the decision mailed 08 June 2007.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3294  
Fax: (571) 273-0459